

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71384

Michael A. Welkie
Gertrude M. Welkie

1729 Searles Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 27, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove all trash and debris, failure to remove accumulation of materials, etc.; must show proof of the eradication of infestation of rats from the property on residential property known as 1729 Searles Road, 21222.

On December 29, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: Michael Welkie, Respondent and, Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 20, 2009 for removal of open dump/junk yard, remove trash and debris, and cease rat infestation. This Citation was issued on December 29, 2009.

B. Inspector Ray Harmon testified that Respondent Michael Welkie has a long-standing hoarding problem. He owns three adjoining row homes and all are full. The file shows that there have been multiple code enforcement cases since at least 2007 for the same problems. Junk, trash and debris have spilled out into the porches and into the yard.

C. Photographs in the file show significant quantities of junk, trash and debris in the yard and porch of Respondent's row home. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Respondent Michael Welkie testified that he has always complied with the County's correction notices but that he was in the hospital this summer from July to September with a heart attack, surgery and rehabilitation. He will clean up and put stuff back in the shed. He agreed that items designed to be kept inside must be moved inside, and cannot be stored outside on the porch or in the yard.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected and if Respondent Welkie cooperates with the County's inspector to permit re-inspections until the violations are corrected, with all junk, trash and debris removed from the yard and from the porches.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by March 15, 2010.

IT IS FURTHER ORDERED that after March 15, 2010, the County may enter the property for the purpose of removing junk, trash, and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of February 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.